

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ANTHONY SPODEN,
also known as NINA SPODEN,

Plaintiff,

vs.

B VAUGHN,

Defendant.

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CIVIL NO. 18-1487-NJR-DGW

MEMORANDUM AND ORDER

ROSENSTENGEL, District Judge:

On October 24, 2018, Plaintiff was ordered to advise the Court in writing—no later than **November 21, 2018**—whether she wished to proceed with this lawsuit. (Doc. 13). Plaintiff was clearly warned in that Order that failure to do so would result in dismissal of this case. The date to respond has passed, and the Court has heard nothing from Plaintiff. As a result, this action is **DISMISSED** without prejudice for Plaintiff’s failure to comply with an Order of this Court and failure to prosecute her claims. *See* FED. R. CIV. P. 41(b); *Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994).

This dismissal shall **NOT** count as one of Plaintiff’s three allotted “strikes” under 28 U.S.C. § 1915(g). Plaintiff’s obligation to pay the filing fee for this action was incurred at the time the action was filed, thus the filing fee of \$400 remains due and payable. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998). All pending motions are **DENIED as moot**.

The Clerk’s Office is **DIRECTED** to close this case and enter judgment.

IT IS SO ORDERED.

DATED: December 7, 2018



NANCY J. ROSENSTENGEL
United States District Judge